

ENTERED

December 20, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)
v.)
)
Ja'Sean Hill)
<u>Defendant</u>)

Case No. 4:24-cr-00618

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

- Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
 Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (*previous violator*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- (1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
 - (b) an offense for which the maximum sentence is life imprisonment or death; **or**
 - (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
 - (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
 - (e) any felony that is not otherwise a crime of violence but involves:
 - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; **and**
- (2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**
- (3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**

- (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.
- B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
 - (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
 - (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
 - (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
 - (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

C. Conclusions Regarding Applicability of Any Presumption Established Above

- The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis.

OR

- The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence

- Lack of financially responsible sureties
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

The Government met its burden to show that no condition or combination of conditions would adequately protect public safety and ensure Defendant Ja'Sean Hill's appearance if he were released pending trial. Overwhelming evidence—video footage, fingerprint evidence, and Defendant's own confession—reflects that Defendant robbed four banks during a two-month period. In each instance, Defendant threatened to inflict physical harm on the banks' employees. During one robbery, he punctuated the threat by lifting his shirt to display a black firearm. This conduct reflects that Defendant poses a risk to the community's safety. Nor is this Defendant's first such offense. Less than two years ago, Defendant was convicted of aggravated robbery in state court. And his juvenile record includes yet more offenses, for robbery and evading arrest/detention.

Moreover, the Court finds that Defendant poses a risk of non-appearance. Indeed, Defendant failed to appear—not once, but twice—to answer to the state aggravated robbery charge mentioned above.

The Court also finds that none of Defendant's proposed conditions, nor any other conditions that the Court could fashion, would be sufficient to safeguard the community and assure his appearance. These latest robberies in April through June 2024 were committed while Defendant was still serving deferred adjudication for the state robbery offense. Defendant therefore disregarded a basic and fundamental court-imposed requirement that he refrain from committing new crimes. In addition, Defendant committed yet other, technical violations of his state-court deferred adjudication, leading authorities to file a motion to adjudicate guilt. And as already noted, Defendant failed to appear multiple times in that state court case.

Defendant's history of non-compliance with release conditions leaves the Court with no confidence that he would fare any better if released on conditions in this case. Although he proposed living with his mother, there are already eight people in that residence, and his mother was not forthcoming when asked where he had been living, claiming that she and Defendant were living with his aunt—an assertion that the aunt denied. Defendant also proposed to live with his sister, but at a mere twenty-one years old, she is even younger than Defendant. There is no indication that she would be capable of or wield sufficient authority over Defendant to ensure that he complies with any conditions of release.

In short, the Court finds that Defendant's negative history of failing to abide by release conditions poses too great a risk of danger and non-appearance to justify his release. Accordingly, it is **ORDERED** that Defendant Ja'Sean Hill be **DETAINED** pending trial.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person

in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: December 20, 2024


United States Magistrate Judge